

**Town Of Superior  
Council Meeting Minutes  
Thursday-November 5, 2009**

**Call To Order:**

Mayor Hing called meeting to order at 7:02pm.

**Salute To the Flag:**

Mayor Hing led councilmember's, staff and audience in the salute to the flag.

**Opening Prayer:**

Mayor Hing led councilmember's, staff and audience in an opening prayer.

**Roll Call:**

**Present:** Mayor Hing, Mr. Aguilar, Mrs. Peralta, Mr. Pfohl, Mr. Gutierrez, Mr. Heglie

**Absent:** Vice Mayor Lopez

**Proclamation:**

National Head Start Month November 2009- Pinal Gila Child Services, Inc. Mayor Hing read the proclamation, Whereas, proclaiming December as National Head Start Month in the Town Of Superior, Arizona and so hereby urge all residents of this community to show their support and participate as contributors and volunteers. Hilda Cardenas introduced her staff at head start, and they presented the Chief of Police, Lou Digirolamo, with pictures of the Explores going and sharing with the children at the head start program.

**Consent Agenda:**

Approval of Minutes for October 15, and Special Meeting October 21, 2009. Correction request by Councilmember Heglie, he was not present at the October 21<sup>st</sup> meeting but was not listed as present or absent. Correction noted.

Soap box derby request the closer of Main St. from Magma to Lobb on January 16 & 17 2009.

Motion to approve minutes and the closure of streets for soap box derby made by Councilmember Heglie

2<sup>nd</sup> by Councilmember Pfohl

Motion carries unanimously

**Communication:**

Managers Report, Finance Update Town Manager – Melanie Oliver

{A.} No report, but closed the position for a Finance Director and will start interviewing tomorrow. Requirements will be they must be a CPA. Also she will be running an ad for Accounts Payable part time position. Mr. Pfohl reminded town manager about his request for accounts payables report. She stated that we are \$200,000.00 in debt and with the help of the CPA we will have a report for our next council meeting. Mr. Aguilar asked if the League of Cities and Towns does not assist the towns when they find them selves short handed and need immediate assistance. She would look into that.

{B.} Free electronics recycling event in Superior; Saturday, November 21, 2009 at Kennedy Elementary School, 1500 W. Sunset Drive, from 2pm to 4pm. Sponsored by ADEQ. A roll off is being donated from Dun-Rite Disposal to accept all of the electronics that are brought on that day. Also Sue Anderson spoke on the Superior Fall Clean up day Saturday, November 14<sup>th</sup> from 8:00am to noon. Asking all residents to bring there stuff to be thrown out to the field over by Albo Guzman's gravel site on Mary Drive.

{C.} Foreclosure Sale of 405 Terrace and update on Industrial Park. The sale of the property on Terrace Dr. did not go through so this property goes back to belonging to the Town Of Superior.

{D} CDBG Multiuse Park and Caboose Park-Curt Williams stated that the skate park is almost ready cost of \$80,000.00 and 40% match. Does not include ground preparation. They have had several calls from skate boarder designers and are excited about this project. Also the kids have been going and are excited to see the finished project. After several minutes of discussions regarding building and materials used discussion regarding the caboose was started and the design does meet ADA compliance. Talk about having to cut into the caboose for a door, but was determined that that would not be necessary. Question regarding the cement that the kids will be skateboarding on was in compliance; Mr. Williams stated that it is over the requirement level necessary.

**Public Safety Update:**

{a.} San Carlos Apache Tribe Apache Gold Casino Resort 12D Funds- Operation Chief Todd Pryor

The Town Of Superior Fire and Police Department was recently awarded two grants that they have applied for.

The first grant was for \$4154.50 for equipment for the fire department, which they have already gone on line to purchase the equipment needed. The second for \$10,342.00 for a generator for the dispatch and EOC, Emergency Operations Center.

{b.} Criminal Bank Activity Update-Public Safety Director Chief Lou Digirolamo, Chief stated that the investigation is a joint effort with the FBI office out of California. Bank of the West will not do any of our auto deposits or banking on line until the Town Of Superior buys a computer designated only for banking and is secure with no browsing on the system. Until then all of the employees will be getting a live

check. Mayor directed Town Manager to draft a letter to Bank of the West as to why we were not notified that they had some hacking problems during this summer. Also contact our insurance and see where we stand with this situation.

**Business:**

{1.} Discuss/Approve/Reject; Town Of Superior as an active member of the Copper Alliance-Steve Stratton, Mr. Stratton stated that this was something that Mrs. Kirkpatrick has asked support for this alliance. So far all of the surrounding towns and cities have approved and are in support of this alliance. Mayor would have liked for Ms. Kirkpatrick to be here herself that would have shown her support for this alliance. After several minutes of discussion council, staff and audience were all in agreement. We would not commit to this alliance but would like to have a representative from Superior. We are at ground zero and should have a voice and not have someone that does not live here speak on our behalf. We need to send our own representative that lives in this community. Also where is the mission statement? This is something the Mayor would have like to see. We are in jeopardy of losing our voice.

Comments from audience:

Charlene Orlick-Only one thing to say "NEPA FIRST". You are to represent the voice of those who voted you in, you work for the community.

Henry Munoz-"NEPA FIRST", send someone to represent the Town Of Superior. What is good for the surrounding cities should be good for Superior we are at the center of this. We are the most effected in this.

Tommy Macias-Stay soverent, this should be long rang not only one item. Represent the community "NEPA" first.

Motion by Councilmember Gutierrez to approve the Town Of Superior as an active member in the Copper Alliance.

2<sup>nd</sup> by Councilmember Pfohl

Vote was take....in favor-2 opposed-4

Motion does not pass

{2.} Discuss/Approve/Reject; Resolution 506 declaring as public records those certain documents filed with the Town Clerk and Entitled the International Building code,2006, International Residential Code, International Existing Building Code, International Code council Electrical Code Administrative Provisions, International Mechanical Code, International Plumbing Code, International Property Maintenance code, the International Fire code and 2002 Edition of the National Electrical code-Operations Chief Todd Pryor- Mr. Pryor stated that the recommendations for the codes and the explanation are in there packets. Several minutes of discussion took place between council and Mr. Pryor recommendation was to hold a work session to make sure they understand the new recommendations to adopt the building code.

Motion to table and schedule a work session made by Councilmember Heglie

2<sup>nd</sup> by Aguilar

Motion passes unanimously.

{3.} Motion to table Ordinance Number 109 adopting International Code Council family of Codes, 2006 Editions, including the International Building Code, International Residential Code, International Existing Building Code, International Code Council Electrical Code Administrative Provisions, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, the repealing Chapter 1, Article 4-3, Chapter 5, Chapter 7, and chapter 9.4 of the Superior Town Code-Operations Chief Todd Pryor-

Motion to Table made by Councilmember Heglie

2<sup>nd</sup> by Councilmember Pfohl

Motion passes unanimously

{4.} Resolution 508 authorizing an Intergovernmental Agreement with the State of Arizona relating to Main Street Project-Building Safety Director Rebecca Brothers, Ms. Brother explained to the public what this resolution is all about.

This is a resolution for an agreement between the State of Arizona and the Town Of Superior for federal stimulus money. The good news is that the Town Of Superior has been awarded the \$200,000.00 that Maricopa turned away.

That amount plus the \$485,000.00 puts us at \$685,000.00 with no match that is all stimulus money. Will put project out to bid in the month of January 2010, we are looking at tentively February 9 2010 for monies.

Motion to approve authorizing an Intergovernmental Agreement with the State of Arizona made by Councilmember Pfohl, 2<sup>nd</sup> by Councilmember Aguilar

Motion passed unanimously

{5.} the extension of cemetery plots sales to December 31, 2009-Deputy Town Clerk, Nora Miramon / Town Manager, Melanie Oliver. Wanted to update the council on the sale of plots since the request for a price increase was passed at last council meeting. August –September 2009 only 3 plots had been sold. Since then October-November 2, 2009 we sold 27 plots for a total of \$6475.00. Most of the money goes into cemetery department. We do need to make sure that the open/close fee goes into the general fund. We are asking of council to extend the dead line so that residents can take advantage of the old price before increase goes into effect. This is only for residents; all other fees have gone into effect when council approved the fee increase. Mayor stated we need to make sure we notify the public by putting it into the Superior Sun.

Motion for extension of cemetery plot sales to December 31, 2009 by Councilmember Heglie

2<sup>nd</sup> by Councilmember Gutierrez

Motion passes unanimously

{6.} Canvassing of the Votes of the Special Election held November 3, 2009 – Town Manager, Melanie Oliver

This is the election report, November 3, School District Issue it was carried yes 66 no 19 that issue stems around the properties for sale by the school was carried yes. Also the water franchise yes votes 63, so this matter carried.

Total of ballots cast 85, 85 people voted.

Motion to approve the canvassing of the votes made by Councilmember Peralta

2<sup>nd</sup> by Councilmember Pfohl

Motion carries unanimously

**Call to the Public:**

Mrs. Kolakios- Wanted to ask for assistance at the Senior Center. She believes that they are trying to kick her out of the center. She stated that they don't want her there because she speaks her mind and see's what is going on and bring it to their attention. Wants someone to talk to the center and

get this straightened out. Mayor Hing directed the Town Manager to see what the situation is and meet with Mrs. Kolakios and the center as a mediator.

Mr. Weber- Would likes to take this opportunity to respond to the front page editorial. The responsibility for the management for this town lies ultimately with this council. Council hires town manager who hires classified employees.

If the council would have been acting properly they would have directed the town manager to do so. Mr. Mayor it was your responsibility to make sure that the Home Rule got on the ballot. It falls solely on you, Mr. Mayor. Speaking on behalf of Mr. Green, no where has he stated that there was misuse of funds but mismanagement has cost us a hell of allot. We have been in a recession and you are barely figuring this out. Thank You.

Mr. Holmquist-Just wanted to bring you up to date on Dr. Wilt, he is on the front page of the Silver Dome Paper, and he will be in court in front of Judge Bravo November 19 at 2:00pm. Court up in Globe, Kpho .com you can find a story that they did up in Globe. Also 2006 code, every month at this meeting what Todd has tried to explain over and over, I know it is kind of complicated but I get it I know you can get it. The only reason that this is happening up in Globe is because this has teeth in it. If we continue with what we have we will continue to have what we have. Make sure you go to the court hearing, we could sure use your support.

Mr. Chavez-Reference to Ms. Oliver's request to hire a CPA instead of a Finance Director, we need to seek help from the League of City and Towns for assistance in this area. We need someone with a financial background not a CPA. We need to have those audits done unless there is something that the town is not aware of. Question regarding the property on Terrace Dr. How much is it going to cost to tear it down, we need to make sure that we recoup the money.

In reference to the industrial park, your talking about lot 4 and we should be talking about 3, I don't remember selling lot 3 not 4 although someone is housing stuff on lot 4 but I don't remember selling that lot. In reference to the criminal activity we don't know if we are getting that money back all I heard that in 3-4 months. So we need to have some kind of clarification on that. Now on the shortfall of the finances, Ms. Oliver just stated we are 200,000.00 in the red, how in the world are we meeting payroll and insurance. What is the insurance factor on the skate park?

Mr. Green-Would like to address the comments that were in the Superior Sun regarding the recall petition. Many of these comments were off base. First I don't like the idea of a recall but sometime things are so bad in government that is the only option that is right. It was the council that was responsible for the decisions that the Town Manager makes.

We the public cannot hold the manager responsible; we can only hold you responsible. I did not claim any misuse, I would like to see the audit for 2008. You have yet to tell the people the extent of the Home Rule. I am just a messenger from the people. I think the recall petition is just the first step at this time I must call for your resignation. Also there is a councilmember that is the last year has missed twice many meetings, 15 missing and today makes 7 attending. I asked for a copy of the agenda for tonight's meeting and I did not get it and that also is a violation.

Curt Williams-I have been building things for many years. It is very frustrating to me when building is not being done with current building codes. We need to make sure that these codes are up to date. I agree with Billy these codes need to be updated.

#### **Council Comments**

Mr. Gutierrez-reserves his comments till the end, Mayor asked him again if he had comments and again Mr. Gutierrez reserved the right to comment at the end. Mayor informed Councilmember Gurierrez that he would have the closing comments.

Mr. Pfohl- No comment

Mr. Heglie- No comment

Mr. Aguilar-I am a little concerned that this town cannot work together, help each other. We are quick to point out anything or get rid that they want. That is not what it is all about, it is about helping each other. Things go wrong not everything is perfect but it is important that we care about each other and not try to put somebody so low that you want to get them fired you want to make sure that they suffer. When you want somebody to fail you'll want everyone to fail that's not what this is about. We need to work together as a family that is what this town is all about. I have seen more separation than I have ever seen.

Only comment, appreciate printing my rebuttal to give in response to the recall. There was a part that was left out that was important. I have made copies of my whole comments and have them here for you all to read in full. There is a sense of wrong doing, yes Mr. Green there is no money in the saving account but this was not a savings account, this money was for designated projects. Projects that were never got started, that just sat there for years. There was hurt money that was designated for street project. Due to prices increase there was not enough money to cover those projects. Also there was two building that cost the town a lot of money. There was also two building that cost the town about \$200,000.00, Magma Hotel and the theater. So that information is in this statement that was not in the paper is available here. This concludes this meeting for this evening.

Motion to adjourn by Mr. Heglie

2<sup>nd</sup> by Mr. Pfohl

Motion passes unanimously

Meeting adjourned at 9:30pm

Minutes transcribed by: Deputy Town Clerk, Nora Miramon

